

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of: )  
Inventor: Jonathan Phillips ) Before the Examiner  
Application No. New )  
Filed: New ) November 21, 2001  
PEDIATRIC INTRAMEDULLARY NAIL AND )  
METHOD )

**PRELIMINARY AMENDMENT**

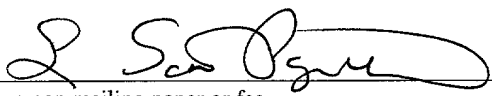
Honorable Assistant Commissioner  
for Patents  
Washington, D. C. 20231

Sir:

Please enter the following Preliminary Amendment for the above-entitled patent application. Please charge any fees due or credit any overpayment to Deposit Account No. 23-3030, but not to include issue fees.

**Express Mail Label No. EL271150587US Date of Deposit: November 21, 2001**

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR §1.10 on the date indicated above and is addressed to the U.S. Patent and Trademark Office, P.O. Box 2327, Arlington, VA 22202.

  
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Signature of person mailing paper or fee

## **SPECIFICATION AMENDMENT**

Please remove and replace the first paragraph appearing on page 1 of the specification with the following:

### **CROSS-REFERENCE TO RELATED APPLICATIONS**

The present application claims the benefit of U.S. Provisional Patent Application No. 60/252,536 filed 22 November 2000, the disclosure of which is entirely incorporated by reference herein, and which is a continuation-in-part of International Patent Application No. PCT/US00/14840 filed 26 May 2000 and published in the English language 7 December 2000, the disclosure of which is entirely incorporated by reference herein, and which is a continuation-in-part of United States Patent Application No. 09/321,369 filed 27 May 1999, the disclosure of which is entirely incorporated by reference herein.

## CLAIM AMENDMENTS

Please add claims 18-20 as follows:

18. (New) The intramedullary nail of claim 1, wherein said one of said fastener receiving areas included in said distal end section has at least two holes extending transverse to the longitudinal axis, said at least two holes being operable to each receive a fastener that cross one another.

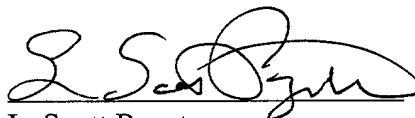
19. (New) The method of claim 10, which further includes providing another hole extending transverse to the longitudinal axis of the elongate member in addition to the at least one hole for each of the fastener receiving areas.

20. (New) The method of claim 10, wherein one of the fastener receiving areas has at least two holes extending transverse to the longitudinal axis of the elongate member.

**REMARKS**

The present application is a continuation-in-part of International Patent Application No. PCT/US00/14840 filed 26 May 2000, and claims the benefit of U.S. Provisional Patent Application No. 60/252,536 filed 22 November 2000. Claims 18-20 have been added to further define the present invention. Reconsideration of the present application as amended is respectfully requested. The Examiner is encouraged to contact the undersigned by telephone to resolve any outstanding matters concerning the present application.

Respectfully submitted:



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**ATTACHMENT UNDER 37 CFR 1.121**

Pursuant to 37 C.F.R. 1.121, a marked-up copy on separate sheets is provided for the amendments to page 1 of the specification as follows:

Please remove and replace the first paragraph appearing on page 1 of the specification with the following:

[This application is a continuation-in-part of U.S. Application Serial No. 09/321,369, filed May 27, 1999, now pending, the disclosure of which is entirely incorporated by reference herein and the benefit of which is claimed under 35 U.S.C. § 120.]

The present application claims the benefit of U.S. Provisional Patent Application No. 60/252,536 filed 22 November 2000, the disclosure of which is entirely incorporated by reference herein, and which is a continuation-in-part of International Patent Application No. PCT/US00/14840 filed 26 May 2000 and published in the English language 7 December 2000, the disclosure of which is entirely incorporated by reference herein, and which is a continuation-in-part of United States Patent Application No. 09/321,369 filed 27 May 1999, the disclosure of which is entirely incorporated by reference herein.